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Attorneys for Plaintiff
Samick Musical Instruments Co., Ltd.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAMICK MUSICAL INSTRUMENTS CO.,
LTD., a Korean limited company,

Plaintiff/ Counter-Defendant

vs.

QRS MUSIC TECHNOLOGIES, INC., a
Delaware corporation; THOMAS DOLAN, an
Individual,

Defendants/ Counter-Plaintiff

Case No. 2:15-cv-00333-MMD-GWF

**PLAINTIFF'S MOTION FOR LEAVE TO
FILE THE FOLLOWING UNDER SEAL:**

**1. PLAINTIFFS' MOTION FOR LEAVE
TO AMEND COMPLAINT AND REOPEN
DISCOVERY AND EXHIBITS THERETO;
AND**

**2. AMENDED COMPLAINT AND
EXHIBITS THERETO UNDER SEAL**

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF ;
[PROPOSED] ORDER**

Plaintiff Samick Musical Instruments Co., Ltd. ("Plaintiff" or "Samick") hereby moves
this Court for an order sealing Plaintiffs' Motion For Leave To Amend Complaint And Reopen

1 Discovery and the Exhibits thereto (“Motion”), and the Amended Complaint along with its
2 Exhibits. These documents are filed concurrently with this Motion.

3 In January 2010, Plaintiff Samick and QRS Music Technologies, Inc. (“Defendant QRS”)
4 entered into an Agreement. *See* September 15, 2016 declaration of Boyoon Choi, ¶ 2. This
5 Agreement forms the basis for the majority of the claims being presently asserted by Plaintiff
6 Samick against Defendant QRS. *Id.* The 2010 Agreement contains a strict confidentiality
7 provision prohibiting disclosure of the terms of the 2010 Agreement and its accompanying
8 Exhibits to any third party. *Id.*, ¶ 3. The parties have also agreed to keep confidential and under
9 seal the deposition testimony regarding the parties’ financial information. *Id.*

10
11 Seeking to honor this Agreement and not breach the terms of the confidentiality
12 provision, Plaintiff seeks permission to file under seal the full version of the Amended
13 Complaint, the 2010 Agreement and its Attachments, as well as the Motion *Id.* ¶ 4. A redacted
14 version of the Amended Complaint with non-confidential Exhibits A and B has been filed
15 concurrently herewith. *Id.* As stated above, the Amended Complaint has been redacted because
16 many of the facts and causes of action refer directly to the terms of the 2010 Agreement. *Id.*
17 Likewise, Plaintiff seeks to have the Motion and its Exhibits filed under seal to honor the
18 Agreement, and protect the confidential financial information of the parties. *Id.*, ¶ 5.

19
20 LR 10-5(b) provides in part “...papers filed with the Court under seal shall be
21 accompanied by a motion for leave to file those documents under seal, and shall be filed in
22 accordance with the Court’s electronic filing procedures.”

23 Previously, this Court granted Plaintiff’s motion to file the Original Complaint under
24 seal. Doc. # 12.

25
26 In good faith, seeking to honor and not breach the terms of the parties’ 2010 Agreement,
27 Plaintiff Samick requests that this Court grant its Motion to file Plaintiffs’ Motion For Leave To
28

1 Amend Complaint And Reopen Discovery and Exhibits thereto, as well as the Amended
2 Complaint along with Exhibits under seal.

3 Dated: September 19, 2016

4 By: /s/ Matthew D. Francis
5 BROWNSTEIN HYATT FARBER
6 SCHRECK, LLP
7 Matthew D. Francis
8 Arthur A. Zorio
9 5371 Kietzke Lane
10 Reno, NV 89511

11 By: /s/ Boyoon Choi
12 CHOI CAPITAL LAW PLLC
13 Boyoon Choi
14 520 Pike Tower, Suite 975
15 Seattle, WA 98101

16 Attorneys for Plaintiff
17 Samick Musical Instruments Co., Ltd.

18 IT IS ORDERED:

19 
20 UNITED STATES MAGISTRATE JUDGE

21 DATED: September 21, 2016

CERTIFICATE OF SERVICE

Pursuant to **FRCP 5(b)**, I certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and on this 19th day of September, 2016, I served the document entitled **PLAINTIFF'S MOTION FOR LEAVE TO FILE THE FOLLOWING UNDER SEAL: 1. PLAINTIFFS' MOTION FOR LEAVE TO AMEND COMPLAINT AND REOPEN DISCOVERY AND EXHIBITS THERETO; AND 2. AMENDED COMPLAINT AND EXHIBITS THERETO UNDER SEAL, MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; [PROPOSED] ORDER**, on the parties listed below via the following:

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☐ **VIA FIRST CLASS U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Reno, Nevada for delivery to the foregoing.

☐ **VIA FACSIMILE:** by transmitting to a facsimile machine maintained by the person on whom it is served at the facsimile machine telephone number as last given by that person on any document which he/she has filed in the cause and served on the party making the service. The copy of the document served by the facsimile transmission bears a notation of the date and place of transmission and the facsimile telephone number to which it was transmitted.

☐ **BY PERSONAL SERVICE:** by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf.

☐ **VIA COURIER:** by delivering a copy of the document to a courier service for over-night delivery to the foregoing parties.

☒ **VIA ELECTRONIC SERVICE:** by serving via electronic mail.

/s/ Nancy R. Lindsley
Employee of Brownstein Hyatt
Farber Schreck, LLP

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DECLARATION OF BOYOON CHOI

I, Boyoon Choi, do hereby declare and state as follows:

1. I am an attorney at the law firm of Choi Capital Law PLLC located at 520 Pike Street Suite 975, Seattle, Washington 98101. This declaration is based upon my personal knowledge, and is made in support of Plaintiff Samick Musical Instruments Co., Ltd. (“Plaintiff” or “Samick”) Motion to File the Following Under Seal: 1. Plaintiffs’ Motion For Leave To Amend Complaint And Reopen Discovery And Exhibits Thereto; and 2. Amended Complaint And Exhibits Thereto Under Seal.
2. In January 2010, Plaintiff Samick and QRS Music Technologies, Inc. (“Defendant QRS”) entered into an Agreement. This Agreement forms the basis for the majority of the claims being presently asserted by Plaintiff Samick against Defendant QRS.
3. The 2010 Agreement contains a strict confidentiality provision prohibiting disclosure of the terms of the 2010 Agreement and its accompanying Exhibits to any third party. Additionally, the parties have agreed to keep confidential and under seal the deposition testimony regarding the parties’ financial information.
4. Seeking to honor the Agreement among the parties, and not breach the terms of the confidentiality provisions, Plaintiff seeks permission to file the Amended Complaint, the 2010 Agreement and its Attachments under seal. A redacted version of the Complaint with non-confidential Exhibits A and B were filed to initiate this lawsuit. As stated above, the Amended Complaint has been redacted because many of the facts and causes of action refer directly to the terms of the 2010 Agreement. A redacted version of the Amended Complaint accompanies this motion.
5. Also, the accompanying Plaintiffs’ Motion For Leave To Amend Complaint And

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1 Reopen Discovery and exhibits thereto need to be sealed because the same discuss the terms of
2 the Agreement as well as confidential financial information regarding the parties.

3 I declare under penalty of perjury pursuant to the laws of the State of Nevada that the
4 foregoing is true and correct to the best of my knowledge.

5 Dated: September 15, 2016 at Seattle Washington.

6 By: /s/ Boyoon Choi
7 BOYOON CHOI
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CERTIFICATE OF SERVICE

Pursuant to ***FRCP 5(b)***, I certify that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and on this 19th day of September, 2016, I served the document entitled **DECLARATION OF BOYOON CHOI IN SUPPORT OF MOTION TO FILE UNDER SEAL**, on the parties listed below via the following:

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/s/ Nancy R. Lindsley
Employee of Brownstein Hyatt
Farber Schreck,

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